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BY THE SENATE,

February 28th, 1860.

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REPORT

OF THE

JOINT COMMITTEE

APPOINTED BY THE LEGISLATURE

TO EXAMINE THE AFFAIRS OF THE

MARYLAND PENITENTIARY.

R E P O R T .

ANNAPOLIS, FEBRUARY 28, 1860.

TO THE HONORABLE,

THE GENERAL ASSEMBLY OF MARYLAND:

The Joint Committee, appointed to examine the affairs of the Maryland Penitentiary having performed that duty, beg leave to submit the following report:

Your Committee in the discharge of the task imposed upon them, proceeded to the Institution and was most cordially and hospitably received and welcomed by the Warden and Board of Directors.

WARDEN AND DIRECTORS.

The Committee take great pleasure in noticing the courtesy of the Directors, Warden and subordinate officers, and their readiness to aid them in the prosecution of their labors; and, in this connection your Committee state that economy in the management of the Institution, seems to have been well studied.

THE BOOK-KEEPER.

Your Committee avail themselves of this opportunity to speak of the improved system of book-keeping, adopted and carried out by the very gentlemanly and intelligent Clerk of the Institution, Mr. J. C. Dougherty. Everything is *plain, well written* and *easily understood*. The books are cleanly and great care seems to have been taken with them. Your Committee unhesitatingly say, that they believe no public Institu-

tion in this country can boast of a more competent and faithful accountant than is to be found in the person of Mr. Dougherty.

FINANCIAL CONDITION.

By reference to the report of the Directors to his Excellency, the Governor of the State, on page six (6) of said report, you will observe that the Directors solicit an appropriation of twenty thousand dollars (20,000,) a part of which they propose to use toward the liquidation of the debt now overhanging the Institution of some nine thousand (9,000) dollars, and the remainder as a cash capital, to conduct the affairs of the same with. It is a self-evident proposition, that with money all articles can be purchased cheaper than on time, however high the credit of the purchaser may stand. Supply the Directors with this money and you thereby avoid the necessity of forcing the products of the Institution into market; when, of times there is scarce any demand for them. They could then be held subject either to a rising market, a demand, or both. An Institution of this kind and in fact, every public or State Institution should be conducted on a cash basis. Grant the aid asked, and sell the slave and free colored convicts now in the Penitentiary for the term for which they were sentenced, and pass a law, prohibiting or preventing the incarceration of that class of convicts, (the most worthless and expensive of all,) and your Committee are of the unanimous opinion that the Penitentiary of Maryland will not only be able to support itself, but contribute largely to the Treasury of the State. Your Committee would impress upon your honorable body the necessity of this appropriation at once, and such is their confidence in the intelligence of the Legislature and the prudence of the Directors, that they do not doubt the propriety of the passage of a law affording relief to the Institution, as recommended by this report.

THE INTERIOR OF THE PRISON.

Your Committee upon visiting the interior of the Prison, were pleased to notice the general cleanliness pervading every department, and the deportment of the unfortunate confined therein, all of whom seem to be under most excellent discipline. There appears to be a good system in each shop for the management and working of the convicts; competent and good men are at the head of each, and all seems to move along in harmony. The Committee believe that the most effectual method of working the convicts to profit is,—to farm them out or hire them to contractors. This is demonstrated by the workings of the two shops now in active operation, viz:—the

broom, tub and bucket department and the barrel department, the latter of which has been recently established. Had the Directors sufficient funds to enlarge the grounds and erect more shops, your Committee think that all the able-bodied hands could be hired out so as to yield a sum over and above their expenses, sufficient to carry on the whole affairs of the Prison.

THE DORMITORIES.

The Eastern Dormitory can only accommodate about one half of the prisoners in single cells, a part of which are really unfit for any human being to occupy, rendered so by their dampness, which cannot be avoided unless some appropriation be made to enable an extension so as to accommodate the prisoners, one in each cell, and that above ground. In the Western or old Dormitory six, seven, and nine occupy one cell. This is all improper and should be remedied. A part of, and in fact, the main intention and object of the law in this kind of punishment for transgression, is the removal of the person from all opportunity to do wrong. It never contemplated that the person should be a companion with (it may be,) those through whose influence and association they found their way to the Prison. Here; oftentimes, plots are made and endeavored to be carried out and would, no doubt, be consummated but for the constant surveillance of the guard or watch of the Prison. Each Dormitory should be enlarged, and that at once, unless the colored convicts are removed from the Institution, and no more of them allowed to enter. In that event the necessity could be avoided, and in that only.

THE FEMALE PRISONERS.

The Committee are most happy to state that the number of this class of convicts is small, the major portion of whom are blacks. They are mostly employed in mending clothing, darning and washing and seem to deprecate their condition more than the males. The Committee are of opinion that *females should be excluded from this Institution* and that, in lieu thereof, the county or city Jail, House of Refuge or Alms House, should be the place of confinement for all that sex who, unfortunately, are led astray and violate the laws of the State. There is no period in the history of woman, wherein she can be said to be entirely lost or irreclaimable; her very impulses are to do good and whenever she has been known to depart therefrom, it has been by the deceit and art of some demon, who, to shield himself from the inevitable rewards that always follow crime and vice, shelters his misdeeds behind the weakness and artlessness of woman.

THE SABBATH SCHOOL

Has exerted a most salutary and happy influence upon the moral condition of the prisoners. Several prominent gentlemen and ladies of the city devote a portion of the Sabbath to the religious instruction of the inmates, and many who were thought to be abandoned and lost (spiritually,) at the time of their reception now give evidence of entire repentance and a willingness to recognize in the Saviour their only means of salvation ;—at all events, it is evident, that the religious training and culture they receive from these good people of God makes them better prisoners,—and avoids or does away with the harsh treatment that had, in former times to be resorted to, to keep up and maintain a proper discipline in the Prison.

INSANITY OF THE PRISONERS.

Your Committee were pained to find in the Prison some who are utterly destitute of mind and reason. They therefore recommend that they be immediately removed to some hospital, say the Maryland Hospital, to serve out their term of sentence there and at the same time, to be treated by those more familiar with that disease, and at less expense to the State. As it is these doubly unfortunate convicts require to be kept in close confinement at more trouble, annoyance and expense to the Institution than they would be to the State, under the government of men who have nothing else to do but to try and restore lost intellect.

THE NON-PRODUCTIVES.

There are now some seventy prisoners, who, from old age and infirmity, are utterly worthless and of no account. They are in fact, an incubus on the Institution. Something should be done to relieve it of this heavy tax.

THE CONTRACTORS.

The Committee find the tub and broom and barrel department to be under contract. The contractors should pay for the use of water power, independent of the price for hands, which they do not do at present. Your Committee recommend the passage of a law to compel these contractors to supply their own water power, so that the State will have nothing to do with it in any future contracts to be made.

OCCURRENCES AT THE PENITENTIARY.

Since the present administration of the Penitentiary two convicts succeeded in making their escape; one has since been recaptured, the other is still at large. The Committee are satisfied, however, that in neither case were the officers of the Institution at fault. They have examined with great care and minuteness, witnesses under oath and they have not been able to elicit any fact going to show negligence or inattention upon the part of any of the officers. In every institution of the kind all over the world, convicts have made good their escape. Efforts are frequently made; oftentimes they are discovered in time to prevent escape. Indeed instances of escape are so rare, that when they do occur a great deal is said about it. Some account for it in one way, some in another, but the fact is, no one can account for it in any other way than a superior amount of shrewdness of the prisoner over those having them in charge. A great deal has been said and written about the taking of the arms out of the Penitentiary previous to the fall election of 1858. To this subject your committee have devoted much time, they have examined many witnesses, all under oath, and after the most patient and tedious investigation *they have not been able to find any proof of the charge*, and are constrained to say in justice to the Warden, that he *stands free and entirely acquitted of it*. They believe the report originated in the height of political excitement from some irresponsible person or persons, as they were unable to find any one who would swear under oath to the *fact*. Your Committee therefore in justice to the Warden say, that no such occurrence took place so far as they have any evidence, and that his whole connection with the Penitentiary as Warden, has been straight forward and highly creditable, not only to himself but to the Institution. All the rumors affecting him (the Warden,) injuriously have been well sifted, and your Committee are proud and happy to state they were all as groundless as the one particularly noticed above.

THE COLORED CONVICTS.

Your Committee recommend that a law should be passed, requiring the Warden to sell at once the negroes, free and slave, who are now in the Penitentiary and the proceeds thereof to accrue to the county or city wherein said negro was convicted, and they also recommend that a law should be passed requiring the Courts to sell for life, all negroes free and slave convicted of crimes, the sentence of which would have been incarceration in the Penitentiary, the proceeds thereof to be used in like manner as above stated; and they believe this

mode of punishment will materially lessen the catalogue of crime committed by this race, and relieve our Penitentiary from the care and support of many, who are now a serious incubus and expense to the Institution.

Your Committee respectfully ask the attention of your honorable body to the recommendations herein made. They have endeavored to discharge the duties committed to them, with fidelity and impartiality; but unless they have the co-operation of your honorable body, their efforts will prove of no avail.

All of which, your Committee respectfully submit, &c.

On the part of the House,

G. W. GOLDSBOROUGH, *Ch'r.*,
JAMES W. MAXWELL,
MARCUS DENNISON.

On the part of the Senate,

J. J. HECKART, *Ch'r.*,
ANDREW A. LYNCH,
THOS. J. GRAHAME.

